

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

**DEFENDANTS JOSHUA AND STEPHANIE MAST'S MOTION TO FILE THEIR
UNREDACTED MEMORANDUM IN SUPPORT OF THEIR MOTION TO
DISMISS THE AMENDED COMPLAINT AND ACCOMPANYING
EXHIBITS UNDER SEAL**

Defendants Joshua and Stephanie Mast, by and through their undersigned counsel, hereby move the Court to file their Unredacted Memorandum in Support of Their Motion to Dismiss the Amended Complaint under Rules 12(b)(1) and 12(b)(6) and corresponding Exhibits 1 through 6 under seal pursuant to Local Rule 9 and the Protective Order (Dkt. 26).

1. The Masts' Memorandum contains discussion of and reference to materials that have been filed in the adoption proceeding in which the Does seek to unwind the Masts' adoption of Baby Doe. That proceeding is under seal and will never be made public. *See* Va. Code Ann. § 63.2-1246. The Virginia state court has allowed the Masts to discuss that case's filings in this case, provided the information and the filed documents remain under seal. *See* Exhibit 1 to the

Memorandum in Support of the Motion to Dismiss (filed under seal). Additionally, the Masts discuss a Petition for a Temporary Restraining Order previously filed in this Court under seal that contains highly sensitive information related to Joshua Mast's military service. *See Baby L. v. Esper*, No. 3:20-cv-9-NKM, Verified Complaint and Petition for a Temporary Restraining Order, ECF No. 4. The Masts move for permission to redact their Memorandum to protect all sensitive information and to file the unredacted Memorandum under seal. The Masts are filing a redacted copy of the Memorandum on the public docket at the same time as this Motion.

2. Exhibits 1 and 3–6 are documents from the state court proceeding, and they contain discussion of and reference to the names of John Doe, Jane Doe, and Baby Doe. As such, the Court should seal that information pursuant to the Protective Order. *See Protective Order (Dkt. 26)* (“Any papers that identify any Plaintiff either directly or indirectly shall be filed under seal, with redacted copies placed in the public files.”). Further, the state court has ordered that these documents may be used by the parties provided they remain under seal. Exhibit 1 to the Memorandum in Support of the Motion to Dismiss (Oct. 12, 2022 Order) (filed under seal).¹

3. Exhibit 2 is an unredacted version of the Petition for a Temporary Restraining Order previously filed in this Court under seal, and it contains highly sensitive information related to Joshua Mast's military service. This TRO Petition remains under seal in *Baby L. v. Esper*, and this Court should keep the TRO Petition under seal in this proceeding as well.

4. The Masts request for the above-mentioned documents to be kept under seal in perpetuity.

¹ The Masts will request that the Does to meet and confer about modifying the Protective Order (Dkt. 26) at a later date.

For the above reasons, the Masts respectfully request the Court to grant this Motion to File Their Unredacted Memorandum in Support of Their Motion to Dismiss the Amended Complaint and Accompanying Exhibits Under Seal.

Dated: November 14, 2022

Respectfully submitted,

/s/ John S. Moran

John S. Moran
MC GUIREWOODS LLP
888 16th St. N.W.
Suite 500
Black Lives Matter Plaza
Washington, DC 20006
T: (202) 828-2817
F: (202) 828-3327
jmoran@mcguirewoods.com